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15 AMERICAN SMALL BUSINESS LEAGUE

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 OAKLAND DIVISION

19 AMERICAN SMALL BUSINESS
20 LEAGUE,

21 Plaintiff,

22 v.

23 UNITED STATES OFFICE OF
24 MANAGEMENT AND BUDGET,

25 Defendant.

CASE NO. 4:20-cv-07126-DMR

**[PROPOSED] ORDER DENYING
DEFENDANT UNITED STATES OFFICE
OF MANAGEMENT AND BUDGET'S
MOTION FOR SUMMARY JUDGMENT
AND GRANTING PLAINTIFF
AMERICAN SMALL BUSINESS
LEAGUE'S CROSS-MOTION FOR
SUMMARY JUDGMENT**

26 Date: April 28, 2022
27 Time: 1:00 p.m.
28 Place: Zoom
Judge: The Honorable Donna M. Ryu

1 Plaintiff American Small Business League's cross-motion for summary judgment came on
2 regularly for hearing before this Court, the Honorable Magistrate Judge Donna M. Ryu presiding,
3 on April 28, 2022 at 1:00 p.m. The Court, having considered the Cross-Motion, the pleadings
4 filed in support of and in opposition to the Cross-Motion, the oral arguments of counsel at the
5 hearing, and **GOOD CAUSE APPEARING THEREFOR**, it is hereby **ORDERED** that:

- 6 1. Defendant United States Office of Management and Budget's motion for
7 summary judgment is DENIED;
- 8 2. Plaintiff's cross-motion for summary judgment is GRANTED;
- 9 3. Judgment shall be entered in favor of the Plaintiff and against the Defendant;
- 10 4. Defendant shall conduct a further search for records indicating or containing the
11 total federal acquisition budget for Fiscal Years 2017, 2018, and 2019, including
12 all records indicating or containing information on all spending on goods and
13 services for such fiscal years, and all records indicating or containing
14 information on the budget for all spending on goods and services for such fiscal
15 years; and
- 16 5. Within ten (10) days of this Order, Defendant shall disclose to Plaintiff all
17 previously undisclosed responsive records identified by the search it conducts
18 pursuant to this Order. The records disclosed should include reports that indicate
19 or contain the dollar amount allocated to spending on all goods and services for
20 Fiscal Years 2017, 2018, and 2019; reports from USAspending.gov indicating all
21 spending for goods and services, including grants for services, for Fiscal Years
22 2017, 2018, and 2019; documents received by the OMB that were used to
23 support OMB's joint statement on budget results with the United States Treasury
24 Department for Fiscal Years 2017, 2018, and 2019; and documents received by
25 OMB that were used to create OMB's SF 133 reports for Fiscal Years 2017,
26 2018, and 2019.

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1 IT IS SO ORDERED.
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DATED: _____

5 HON. DONNA M. RYU
6 UNITED STATES MAGISTRATE JUDGE
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